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WILLIAM T FUJIOKA  
Chief Executive Officer

County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

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Board of Supervisors  
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First District

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MICHAEL D. ANTONOVICH  
Fifth District

February 3, 2010

To: Supervisor Gloria Molina, Chair  
Supervisor Mark Ridley Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

**PRISON REFORM STATUS UPDATE (BOARD AGENDA OF AUGUST 25, 2009 – ITEM 13)**

On August 25, 2009, your Board directed the Chief Executive Office (CEO) to provide monthly status updates regarding the County's efforts to inform the State of the potential operational and fiscal impacts on the County's criminal justice agencies as the State considers reducing its prison population. Your Board also requested the CEO to work with our partners to emphasize and advocate for a solution that promotes public safety, avoids shifting any responsibility to local government, and minimizes any negative impact on local governments.

The CEO, Sheriff, District Attorney, Public Defender, Alternate Public Defender, Probation, and the Department of Mental Health (DMH) have been engaged in a collaborative effort to communicate with the California Department of Corrections and Rehabilitation (CDCR) to advocate our positions and improve our understanding of the potential impacts of prison reform.

As the Governor proposes further reductions in the State's prison population, reform measures included in the passage of Senate Bill x3 18 (SBx3 18) during the 2009-10 Special Legislative Session on January 25, 2010, will have significant impact on the County and other local jurisdictions. This status report focuses on the Non-Revocable Parolee (NRP) population addressed in SBx3 18 and a summary of the Federal three judge panel actions.

*"To Enrich Lives Through Effective and Caring Service"*

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### **Senate Bill x3 18**

On October 11, 2009, SBx3 18 was signed by the Governor and became effective January 25, 2010. The new law focuses on the areas of sentencing, inmate credit changes, parole re-entry programs, community corrections, and parole policy. Due to budgetary uncertainties, the State has been unable to carry out various portions of this law with the exception of parole policy changes. Therefore, at this time, we are unable to provide your Board with the specific impact of SBx3 18. This report will focus on parole policy only.

Since December 2009, the County, specifically the Sheriff's Department, has been in communication with CDCR in anticipation of the January 25, 2010, implementation date to reclassify parolee status as instructed in SBx3 18. The law requires CDCR to begin the process of screening offenders to qualify parolees for unsupervised parole known as NRP. Once a parolee qualifies for NRP, they will not be assigned to a parole agent and will not be required to report.

The CDCR review process will require the assessment of over 30,000 parolees in Los Angeles County to determine each individual's qualification for NRP. CDCR has estimated that this examination process will take between 4 to 6 months and that up to 7,000 may qualify for NRP in Los Angeles County.

In order for a parolee to qualify for NRP, the offender must meet the following criteria:

- The person is not required to register as a sex offender.
- The person was not committed to prison for a serious felony and does not have a prior conviction for a serious felony.
- The person was not committed to prison for a sexually violent offense and does not have a prior conviction for a sexually violent offense.
- The person was not found guilty of a serious disciplinary offense during his or her current term of imprisonment.
- The person is not a validated prison gang member, which CDCR defines as a member of the Mexican Mafia.
- The person did not refuse to sign any written notification of parole requirements or conditions.



- The person was evaluated by the CDCR using a validated risk assessment tool and was not determined to pose a high risk to reoffend.

In preparation for CDCR's implementation of reclassification for parolees, the Sheriff has been working with CDCR and others to coordinate a response team and program for inmates who will be released periodically from State prison as NRP, as their cases are reviewed individually. Thus far, the Sheriff's Department and the other agencies have been collaborating and are hopeful these proactive efforts will prove effective in reducing the number of NRPs returning to the County jail system.

The Sheriff's Department and CDCR are currently collaborating to extend the notification requirements before a parolee is released from State prison. Currently, State law mandates that CDCR provide 45 days of notification to local jurisdictions prior to releasing a parolee. The Sheriff is seeking to extend the notification from 45 days to 60 days in order to prepare for the anticipated release of NRPs since they will not be supervised by a parole agent.

#### **Potential Impact on County Health and Mental Health Services**

The CEO, DMH, and the Department of Public Health are evaluating the potential impact of the NRP reclassification. While that evaluation is not expected to be complete until our next status report to your Board, the following are some preliminary thoughts on the impact. Since these parolees are already present in the communities of Los Angeles County, they may already be visiting County health facilities.

For mental health services, parolees generally visit State mental health clinics for outpatient services. Should they arrive at County mental health clinics and identify themselves as parolees, they are referred to the State mental health clinics for appropriate care. After a parolee's reclassification to NRP status, which we expect to result in a reduction in services at CDCR program sites, NRPs requiring mental health services may seek that care at the County's network of mental health providers. However, since the County mental health system already has sufficient demand for the available capacity, these parolees will have to be served within existing service capacity. Those needing urgent care would be served on an expedited basis consistent with existing DMH practice. The CEO and the departments will continue working with CDCR representatives to determine more fully the impact on County operations and to quantify the cost of providing mental health services for this additional population previously under the care of the State.

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### **Federal Three Judge Panel**

In August of 2009, a Federal Court panel ordered the State to produce a detailed plan to reduce the prison population by 46,000, or 137.5 percent design capacity, over two years. The Federal Court has taken the position that the State prisons are currently operating at 200 percent of design capacity which has resulted in an unconstitutional level of inmate medical and mental health care service. In response, in November 2009, the State submitted a revised plan for prison reduction which was received by the Federal Court.

The Federal Court has since stayed the population reduction order which places the order on hold until the Supreme Court (Court) provides a decision on the appeal filed by the State, which is expected to take more than a year.

The State's effort to reduce the prison population remains an unpredictable process. It has been difficult to determine the overall impact on the County due to the State's inability to address the issue and the uncertainty of the impending Court's decision. The CEO work group will continue to monitor the status of the State's prison reform efforts with the Departments of Mental Health, Health Services, and Sheriff providing weekly updates to your Board as a set item as directed on February 2, 2010. The CEO Intergovernmental Relations will also continue to provide legislative updates relating to this subject through their Sacramento Updates.

Should you have any questions, please contact me or your staff may contact Deputy Chief Executive Officer Brence Culp, Public Safety, at (213) 893-2374.

WTF:BC:SS  
DC:llm

- c: Executive Office, Board of Supervisors ✓  
County Counsel  
District Attorney  
Sheriff's Department  
Alternate Public Defender  
Department of Health Services  
Department of Mental Health  
Probation Department  
Public Defender

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August 16, 2010

To: Supervisor Gloria Molina, Chair  
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From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

## **IMPACT OF THE STATE'S EARLY RELEASE PROGRAM – JULY 2010 (ADMINISTRATIVE MEMO, AGENDA OF MARCH 2, 2010)**

On March 2, 2010, your Board directed the Chief Executive Officer (CEO) to provide monthly reports on the impact the State's prison and parole reforms have on the Sheriff's Department (Sheriff), Department of Mental Health (DMH), and Department of Health Services (DHS).

The following is a summary of the impact the State's prison and parole reforms have upon our County departments since the implementation of Senate Bill X3 18 on January 25, 2010:

### **Department of Mental Health**

#### **Individuals Currently Residing in Los Angeles County Reclassified to Non-Revocable Parole (NRP) Status**

Between January 1, 2010 and July 22, 2010, DMH outpatient facilities treated a number of individuals whose services were terminated by Parole Mental Health facilities as a result of the reclassification of their parole status. Until DMH receives identifying information regarding this group from the California Department of Corrections and Rehabilitation, this number should be considered an estimate as it is based on the self-report of individuals who disclosed the information when they initiate a request for services.

<b>Mental Health: Level/Type of Service</b>	<b>Cumulative Client Count</b>	<b>Cumulative Costs (1/1/10 to date)</b>
Outpatient Clinics and Countywide Resource Management	211	\$ 462,851
Medication Costs for Unfunded Clients	35	\$ 14,461
Inpatient Admissions	191*	\$ 1,880,081
Institutions for Mental Disease Admissions	23*	\$ 170,820
<b>Total</b>		<b>\$ 2,528,213</b>

\*Represents total number of admissions, not unduplicated clients.

### **Sheriff's Department**

The table below represents monthly resources dedicated to NRP during location searches, parolee contacts and parolee arrests.

<b>Month</b>	<b>Hours Dedicated to NRPs</b>	<b>Monthly Cost</b>
January 2010	0	0
February	0	0
March	0	0
April	425	\$ 31,974.32
May	1,900	\$ 38,205.71
June	834	\$ 63,367.95
<b>Total</b>	<b>3,159</b>	<b>\$ 133,547.98</b>

### **Department of Health Services**

<b>Month</b>	<b>Inpatient Days</b>	<b>Emergency Department Visits</b>	<b>Monthly Cost</b>
February 2010	5	0	\$ 13,185
March	23	2	\$ 63,805
April	12	1	\$ 34,752
May	55	0	\$ 152,405
June	49	2	\$ 139,033
July	56	1	\$ 159,122
<b>Total</b>	<b>200</b>	<b>6</b>	<b>\$ 562,302</b>



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Between February 9, 2010 and July 21, 2010, DHS has provided healthcare services to 14 parolees. As noted in the chart above, the cost of the 200 inpatient days and the six emergency department visits is approximately \$562,302.

It is important to note that the above information does not capture the total number of parolees for which DHS provides care. Parolees released directly into the community often require DHS services at some point subsequent to release. However, because these individuals are not always immediately identifiable as parolees, it is difficult to quantify the number DHS serves or the cost of providing that care. As the State paroles more individuals, DHS expects its costs in this area to increase.

The CEO, Sheriff, DMH and DHS will continue to monitor the status of the State's prison reform efforts and to provide your Board with updates on the financial impacts to the County of Los Angeles. Should you have any questions, please contact me or your staff may contact Deputy Chief Executive Officer Jacqueline A. White, Public Safety, at (213) 893-2374.

WTF:BC:JAW  
DC:cc

c: Executive Office, Board of Supervisors  
County Counsel  
Sheriff  
Health Services  
Mental Health